

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TALIYAH TAYLOR,

Plaintiff,

-against-

DR. MICHELLE SMALL, et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/21/2022

22-CV-2762 (NSR)

ORDER OF SERVICE

NELSON S. ROMÁN, United States District Judge:

Plaintiff, currently incarcerated at Bedford Hills Correctional Facility, brings this *pro se* action under 42 U.S.C. § 1983, alleging that Defendants denied her medical treatment. By order dated April 14, 2022, the Court granted Plaintiff's request to proceed *in forma pauperis* (IFP), that is, without prepayment of fees.¹

Because Plaintiff has been granted permission to proceed IFP, she is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP). Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that summonses and the complaint be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the complaint until the Court reviewed the complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued. If the complaint is not served within that time, Plaintiff should request an

¹ Prisoners are not exempt from paying the full filing fee, even when they have been granted permission to proceed IFP. *See* 28 U.S.C. § 1915(b)(1).

extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service); *see also Murray v. Pataki*, 378 F. App'x 50, 52 (2d Cir. 2010) ("As long as the [plaintiff proceeding IFP] provides the information necessary to identify the defendant, the Marshals' failure to effect service automatically constitutes 'good cause' for an extension of time within the meaning of Rule 4(m).").

To allow Plaintiff to effect service on Defendants through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for each defendant. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon the defendants.

Plaintiff must notify the Court in writing if her address changes, and the Court may dismiss the action if Plaintiff fails to do so.

CONCLUSION

The Clerk of Court is instructed to complete the USM-285 forms with the addresses for (1) Dr. Michelle Small, (2) Dr. Patrick Prepetit, (3) Dr. John A. McGurty, (4) Dr. Laura Mieszerski, (5) Superintendent Eileen Russell (6) Deputy Superintendent of Health [First Name Unknown] McCarthy, (7) Commissioner Thomas J. Loughren, and (8) Deputy Commissioner John Morley, and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Clerk of Court is further directed to mail Plaintiff a mailing package as well as a copy of this Order of Service to her address listed on ECF and to show service on the docket.

SO ORDERED.

Dated: April 21, 2022
White Plains, New York

A handwritten signature in blue ink, appearing to read "Nelson S. Román", is written over a light blue horizontal line.

NELSON S. ROMÁN
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. Dr. Michelle Small
Bedford Hills Correctional Facility
247 Harris Road
Bedford Hills, NY 10507
2. Dr. Patrick Prepetit
Bedford Hills Correctional Facility
247 Harris Road
Bedford Hills, NY 10507
3. Dr. John A. McGurty
Bedford Hills Correctional Facility
247 Harris Road
Bedford Hills, NY 10507
4. Dr. Laura Mieszerski
Bedford Hills Correctional Facility
247 Harris Road
Bedford Hills, NY 10507
5. Superintendent Eileen Russell
Bedford Hills Correctional Facility
247 Harris Road
Bedford Hills, NY 10507
6. Deputy Superintendent of Health McCarthy
Bedford Hills Correctional Facility
247 Harris Road
Bedford Hills, NY 10507
7. Commissioner Thomas J. Loughren
Alfred E. Smith State Office Bldg
80 S. Swan Street, 12th Floor
Albany, NY 12206
8. Deputy Commissioner/Chief Medical Officer John Morley
Harriman State Campus
1220 Washington Avenue
Albany, NY 12226